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6	Attorneys for Plaintiffs		
7	BAY AREA PAINTERS AND TAPERS PENSION FUND, et al.		
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10	UNITED STATES DISTRICT COURT		
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
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13	BAY AREA PAINTERS AND TAPERS PENSION FUND, et al.,	Case No.: C07-6344 MHP	
14	Plaintiffs,	REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE	
15	·		
	V.	Date: September 8, 2008 Time: 3:00 p.m.	
16	RODEO DRYWALL, INC. and TONY RODRIGUEZ,	Dept.: Ctrm. 15, 18 <sup>th</sup> Floor Judge: Hon. Marilyn Hall Patel	
17	Defendants.	Judge. Holl. Marilyli Hall Pater	
18			
19	Plaintiffs hereby request that the Case Management Conference, currently scheduled for		
20	Monday, September 8, 2008 at 3:00 p.m., be continued for 90-120 days.		
21	1. The Clerk entered the default of the defendants on January 23, 2008.		
22	2. At the time of the initial conference, plaintiffs were in contact with Tony		
23			
24	Rodriguez, who advised that he would submit his missing contribution reports (for the months o		
25	July, August and September 2007) "right away" and that he wanted to "work things out." I wa		
26	prepared to either resolve this matter with the defendant, or, if necessary, file a Motion for Defaul		
27	Judgment. No reports were received, despite mu	altiple follow up contacts by this office and thus	

the Motion was not filed as anticipated.

1	3. Due to the absence of the contribution reports, plaintiffs were unable to ascertain		
2	what amounts, if any, were/ are owed to the Trust Funds. Defendants submitted all subsequent		
3	contribution reports (October, 2007 to present), advising that there were no employees working.		
4	4. I spoke to one of the Business Representatives for District Counsel 16, who		
5	believes that Rodeo Drywall had work, and had Union employees working, during the time that he		
6	was reporting "0" due in contributions.		
7	5. As it appeared that there may be inconsistencies in reporting, I requested that an		
8	audit be completed relative to Defendant's records. I filed an Amended Complaint in this action,		
9	and defendant failed to respond. The default as to the Amended Complaint was entered on August		
10	14, 2008.		
11	6. The audit was completed as of last week. The auditors sent the report to the		
12	defendant for comment, and payment. I am currently waiting for defendant's response to the		
13	audit.		
14	7. I am requesting that the Court continue the Case Management Conference to allow		
15	the defendant to reply to the audit and provide any contrary documentation in his possession		
16	Thereafter, I am hopeful that this matter can be resolved, possibly by a payment plan. If not, as I		
17	now know the exact amounts due, I will file a Motion for Default Judgment.		
18	I declare under penalty of perjury that I am the attorney for the plaintiffs in the above		
19	entitled action, and that the foregoing is true of my own knowledge.		
20	Executed this 2 <sup>nd</sup> day of September, 2008, at San Francisco, California.		
21	SALTZMAN & JOHNSON		
22	LAW CORPORATION		
23	By:		
24	Michele R. Stafford Attorneys for Plaintiffs		
25	·		
26	IT IS SO ORDERED.		
27	Date: MARILYN H. PATEL		
28	UNITED STATES DISTRICT COURT JUDGE		

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